

NEWS FROM THE U.S.A.

By NORMAN E. HIMES, Ph.D.

Hewitt Sterilization Case

DURING January the American newspapers were filled with the so-called Hewitt sterilization case. Before commenting upon the possible effects of this publicity upon public opinion, I shall review briefly the facts as nearly as they can be pieced together. It is alleged that Ann Cooper Hewitt, who has since attained her majority, was recently sterilized by two California physicians upon the consent of her mother and guardian, now Mrs. Maryon McCarter. The alleged motive was to secure a larger portion of the income of the estate of Ann's father, Peter Cooper Hewitt. On August 14th, 1934, a California State Health Department psychologist rated the girl, then twenty, as having a mental age of eleven. The mother's physician, Dr. T. E. Tillman, recommended that Ann be sterilized as feeble-minded. On August 18th, in the course of an appendectomy, the surgeon, Dr. S. G. Boyd, at Mrs. Hewitt's request and without Ann's knowledge, performed a sterilizing operation. The mother is now being sued for mayhem, and is at present near death in New Jersey as a result of an overdose of a drug alleged to have been taken in an attempt to commit suicide.

Ann comes of a long line of distinguished inventors, her great-grandfather, Peter Cooper, having built the first U.S. steam locomotive, the Tom Thumb. He pioneered in iron manufacture and promoted the first transatlantic cable. Her grandfather, Abram Hewitt, who married Peter Cooper's only daughter, built the first U.S. open-hearth furnace, early manufactured steel, and became mayor of New York by defeating Henry George and Theodore Roosevelt. Abram's son developed the mercury vapour lamp, discovered a basic principle of the vacuum-tube amplifier, pioneered with numerous other inventions, and died in 1921. Ann, Peter Hewitt's only child, was born

illegitimate. Four years after her birth he married the mother. According to a report in *Time* (January 20th), Mrs. Hewitt II (Mrs. McCarter) by the terms of his will "receives one-third of the income from a \$1,300,000 trust fund, Ann Hewitt two-thirds—the daughter's share to pass to her children, if any, or to revert to her mother if she [the daughter] should die childless." Hence a motive for the operation. The daughter, in an affidavit, declared that the mother, though claiming descent from Southern aristocracy, was actually the daughter of a San Francisco horse-car driver, an allegation confirmed by old inhabitants of that city.

In thousands of columns this story has been spread over the pages of American newspapers. What will be its effect upon public opinion? No one, of course, knows; but it is interesting to speculate. It is reasonable to suppose that hundreds of thousands and probably millions of American citizens have learned for the first time that sterilization is medically possible. Will it bring sterilization into disrepute? That seems doubtful. Certainly if the much-married Mrs. Hewitt II (she lost one husband by death, two by divorce, two by annulment) succeeds in what looks like a suicide attempt, an interesting legal battle will be avoided.

The case has brought into public focus the possibilities of abuse in sterilization; but, as Mr. E. S. Gosney, of the Human Betterment Foundation, pointed out in an interview to the Press, this is the first case of its kind known in the United States in thirty-six years of the history of sterilization. Mr. Gosney further pointed out that we have numerous court records of heirs or beneficiaries who have murdered relatives in order to secure insurance money. But no one proposes that life insurance should therefore be abolished. My personal judgment is that this case will not do material damage to the voluntary sterilization movement in the

United States. The California law, of course, applies only to those legally committed to State institutions for the insane or feeble-minded. In California there have been 10,000 patients sterilized since 1908—nearly 900 in 1935.

The Human Betterment Foundation

According to the report of the Human Betterment Foundation for the year ending February 11th, 1936, increasing interest in voluntary sterilization is being shown throughout the United States. Some 436 college instructors, widely distributed geographically over the United States, have asked for more than 40,000 copies of the Foundation's pamphlet on sterilization during the year. Leagues of women voters and clubs belonging to the General Federation of Women's Clubs are increasingly seeking literature for study groups. There is also an increasing demand for lectures from high schools and colleges. The *Los Angeles Times* has introduced a department of Social Eugenics in its Sunday magazine. Though the material is written up by members of the staff, the data are largely supplied by the Foundation. This is believed to be the only permanent newspaper feature dealing with eugenics, at least in the United States.

Mr. Gosney and other members of the Foundation have been working for some years on a revision of the California sterilization law. The Assembly Bill (A.B. 1607) passed by a vote of 42 to 32, but the corresponding Senate Bill (S.B. 380) failed in the legislative congestion of the closing day.

South Carolina passed a sterilization law during 1935 modelled upon the Virginia law. Though Georgia and Alabama passed sterilization statutes, these were in each case vetoed by the governor. A special session of the Oregon legislature adopted a revision of its sterilization law, which was designed to make it more workable by simplifying procedure and reducing expense. Nebraska has recently provided by statute for the enrolment of the feeble-minded of the State through county and State commissioners. Such enrolled persons are ineligible for

marriage unless one partner is sterilized. This seems an excellent step forward.

It will be recalled that some of the earlier American statutes on sterilization were declared unconstitutional as contrary to the "due process" clause of the Constitution, or as discriminatory in nature, since they allowed freedom from sterilization to the feeble-minded and insane outside of institutions, but provided for the sterilization of those incarcerated. Steps like those recently taken by Nebraska should do much to avoid such criticisms in the future. Little is heard nowadays, however, of these constitutional arguments. We have acquired sufficient experience to realize the necessity of protecting the legal rights of patients by providing in sterilization statutes for due process through appeal clauses.

The Foundation is making a second case study of sterilization in California. This has been under way since 1932, in collaboration with the California Bureau of Juvenile Research (Director, Dr. Norman Fenton). The full results are expected to be available some time this spring.

Report on Sterilization

The American Neurological Association's report on sterilization, published in 1935, urged voluntary rather than compulsory sterilization, research rather than more laws, and, where indicated medically, the availability of sterilization for those in private as well as in public institutions and for those not in institutions. These findings caused considerable comment in the newspapers, especially in the *New York Times* (February 2nd) where Waldemar Kaempffert, an opponent of eugenics, gave an erroneous impression of their nature. The errors were corrected in letters published by the editor; and the chairman of the Committee, Dr. Abraham Meyerson of Harvard, himself attempted to clear up the issues in a letter published in the *Times* of March 15th.

Dr. Meyerson took the view that "the claims of most eugenicists as to the incidence of mental disease and mental defect are unwarranted. There is no evidence of an actual

increase." He denied that the feeble-minded are more prolific than the general population. He stressed their low marriage-rate, low birth-rate and high death-rate, and even high divorce-rate. A case could be made for this view; but I suspect that it evades the real issue—the rate of reproduction of stocks of different genetic endowment. Dr. Meyerson admitted that there might be an increase in the incidence of senile mental diseases, especially owing to the increased average age of the population. He has repeatedly debunked—I think to excess—the studies of defective families. He admits that Huntington's chorea, hereditary blindness and deafness are unquestionably of genetic origin, and thinks that there is an hereditary basis for manic-depressive psychoses and for dementia præcox, though the mechanism is "entirely unknown." He adds that "the attempt to prevent these diseases by sterilizing those who themselves are not sick would be futile." Sterilization would not reduce their incidence. A large proportion of feeble-mindedness is inherited, but its mechanism is uncertain. "Epilepsy can be, practically speaking, eliminated from consideration as hereditary." He takes the view that sterilization cannot scientifically play any part in the elimination of criminality. This seems to me an extreme view, even though no one would allege that criminality as such is inherited. The old notion that genius is associated with mental disease is dragged out.

Dr. Meyerson adds: "The crying need of eugenics, as this Committee sees it, is not legislation but real research. *There have been no researches which fully merit the term scientific.*" (Italics mine.) Need more be said about the diligence with which the Committee has searched the literature? What the Committee means is that it found much of this literature unconvincing. To be sure, much of it is, but can it all be dismissed so lightly? On controversial questions it is always safe to call for an increase of knowledge. That in itself is not controversial. The Committee overlooked that, in the course of evolution, mankind moves from one crisis to another; that man is constantly attempting to bring about accommodations in

situations of maladjustment; that adjustment never stops while *all* the facts are collected; for *all* the facts are never there. From this standpoint the report of the Committee is thoroughly utopian and impractical, though I have an idea that no charge would so annoy them.

Consider the history of restriction of immigration in the U.S.A. We were faced with the necessity of absorbing from one half a million to over a million new arrivals each year for several decades. It was a strain upon national unity, a problem in adjustment for large numbers of people. Many of our social problems were complicated by the disturbance set up in the social equilibrium. There was a widespread feeling that it was necessary to protect our standard of living as well as the integrity and unity of our culture. Before restricting immigration could we wait until all the scientific evidence was in upon which to base a perfectly intelligent restrictive policy? No. We had to do the best we could in the light of what we knew. This is exactly what America is doing with its sterilization statutes. The Committee's ignorance of elementary sociology has led it into serious error. It is to be hoped that less sociological ignorance will be revealed in future studies of this kind.

Moreover, I have every reason to believe that the Committee of the American Neurological Association was "packed." About ten years ago I heard Dr. Meyerson admit, in an address before the Boston Ethical Society, that, while training as a young man for medical service, he was emotionally conditioned against the hereditary interpretation of any phenomenon. And yet this is the individual that the Association selected for the scientific investigation of sterilization, while adopting a superior attitude towards previous studies of the subject. Incidentally, there is reason to believe that the Committee of the American Medical Association appointed to study the problem of birth-control—yes, the Association has at last come round to the view that contraception is at least worthy of study!—has been more or less packed in the same manner.

Conferences

The National Conference of Social Work is to be held in Atlantic City, New Jersey, in the latter part of May. Inasmuch as the American Birth Control League is an affiliated organization, there will be a discussion for medical social workers at which short papers will be read by Dr. Eric Matsner, Dr. Hannah Stone, and probably also Dr. Norman E. Himes.

The National Council of Parent Education (60 East 42nd Street, New York City) is to hold a congress on education for family life and parenthood, from November 11th-14th, at the Edgewater Beach Hotel at Chicago.

At the University of North Carolina, from July 6th to 10th, there will be held the second one-week course on "Teaching Marriage and the Family." The first was held during the summer of 1934, much to the interest of college teachers in the United States. Although the present conference is concerned primarily with problems associated with teaching courses on marriage, it is somewhat broader in its appeal, including conservation of marriage and the family. There will be discussions led by Professor E. R. Groves, professor of sociology, on "College Instruction in Preparation for Marriage." Professor Fred B. McCall, professor of law at the University of North Carolina, will give an address on the evening of July 6th on "The Family and the Law." Dr. E. C. Hamblen of the Duke University Medical School will discuss "Medical Aspects of Preparation for Marriage." On July 9th, Mr. Ralph P. Bridgman, Director of National Council of Parent Education, will lead a discussion on "The Role of the Teacher in Counselling and the Limitation of his Functions."

New Books

The National Committee on Maternal Health has just published three new books in its series on the Medical Aspects of Human Fertility: *Abortion—Spontaneous and Induced: Medical and Social Aspects*, by Frederick J. Taussig (St. Louis: C. V. Mosby); *Medical History of Contraception*, by Norman E. Himes (Baltimore: Williams

& Wilkins); *Time of Ovulation in Women: A Study of the Fertile Period in the Menstrual Cycle*, by Carl G. Hartman (Baltimore: Williams & Wilkins). Attention should also be called to the publication, under the editorship of Dr. Victor Robinson, medical historian at Temple University, of the *Encyclopædia Sexualis*, the first American encyclopædia of its kind. English students of eugenics will be particularly interested in the three articles on sterilization and possibly in those on contraception by the American correspondent of the EUGENICS REVIEW. There are also contributions by Professor F. H. A. Marshall, Dr. Enid Charles, Dr. Norman Haire, Dr. F. E. A. Crewe, and Professor Edward Westermarck.

Population

According to a February release of the Bureau of the Census, the official estimate for the U.S.A. population on July 1st, 1935, was 127,521,000. Since the 1930 census total was 122,775,046, this estimate represents an increase of 4,746,000, or nearly 4 per cent. Assuming that the same rate of increase continues until the end of the decade, we shall have as the U.S.A. population in 1940 about 132,000,000. The average annual increase for the 5½-year period was 904,000—a little more than one-half of the 1920-30 average of 1,665,000. The total number of births between April 1st, 1930, and July 1st, 1935, including an allowance for under-registration, was 12,420,000. The number of deaths in the same period, likewise allowing for under-registration, was 7,423,000. There was a net emigration in the 5½-year period of 251,000.

According to a report to Congress recently submitted by the Surgeon-General of the U.S. Public Health Service, about 94,000 more babies were born in the U.S.A. in the calendar year 1934 than in 1933. Later figures are not available. There was a slight increase in the mortality in 1934. However, the rate was lower than in 1932. The death-rate was also slightly higher in 1934 than in 1933; but again this was lower than any recorded rate earlier than 1932. The death-rate for 1934 was 10.9 per 1,000.

The provisional death-rate for eighty-six

major cities, for 1935, based upon weekly telegraphic reports, was 11.4 per 1,000 of estimated population. The 1935 provisional infant mortality rate for the eighty-six reported major cities was 49 per 1,000 live births. This is somewhat lower than the 55 reported for these cities in 1934.

New York City's Health Department, which, on a budget of less than \$4,000,000 takes care of 7,500,000 people, reported its lowest death-rate on record for 1935 (9.9); its lowest infant mortality rate (47.8 per 1,000 births); and the fewest diphtheria mortalities (66 deaths); the fewest typhoid deaths (37); and reduced mortality for pneumonia, tuberculosis, appendicitis and suicide. Generally speaking, certain diseases of middle life increased. Commissioner J. L. Rice in his annual report noted that while the birth-rate was 35 in 1900, it is now 14. Average age has also increased. Those over sixty-five years of age constituted 2.8 per cent. of the city's population in 1900; in 1935 they were 4 per cent. Accordingly, Dr. Rice thinks increased dependency in old age quite certain, since there will be fewer

children to care for the aged. The conclusion does not seem to me to follow necessarily.

Miscellaneous Notes

Dr. James J. Walsh, a well-known Catholic physician of New York City, created something of a stir recently in admitting in a meeting before a Catholic group that the so-called safe period was not yet well established by medical science. This is the first time, to my knowledge, that a Roman Catholic physician, at least one who has been strong in his condemnation of contraception, has publicly admitted that the Church has founded its programme upon a technique as yet not completely scientifically demonstrated.

We regret to record the death, on January 6th, of Dr. William J. Robinson, editor of the *Critic and Guide* and prolific author of many popular books on sex instruction. For three or four decades Dr. Robinson has waged a courageous campaign for sexual enlightenment including instruction on contraception. This he did at a time when such views were not commonly expressed.